

Service Date: December 15, 1981

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

In the Matter of the Application)	UTILITY DIVISION
of MONTANA-DAKOTA UTILITIES CO.)	Docket No. 81.11.99
For Authorization of the Issuance)	Default Order No. 4863
of Securities)	

On November 9, 1981, Montana-Dakota Utilities Co., hereinafter referred to as Applicant, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and qualified to transact business in Montana, filed with the Montana Public Service Commission its verified application, pursuant to Title 69, Chapter 3, Part 5, MCA, requesting an order for authority to issue and sell not to exceed 150,000 shares of a new series of its Preferred Stock A without par value. For detailed information with respect to the general character of Applicant's business and the territory served by it, reference is made to its annual report on file with the Commission. Notice of the application was given and no objections or requests for hearing were received.

At a regular open session of the Montana Public Service Commission, held at its offices on December 14, 1981, there came before the Commission for final action the matters in this docket, and the Commission having fully considered the application and data and records pertaining thereto on file with the Commission and being fully advised in the premises, makes the following:

FINDINGS OF FACT

1. Applicant is a corporation organized and existing under and by virtue of the laws of the State of Delaware and is qualified to transact business in the State of Montana.
2. Applicant is operating as a public utility as defined in 69-3-101, MCA, and as such is engaged in furnishing electric and gas service in Montana..

3. The Commission has jurisdiction over the subject matter of said application under Title 69, Chapter 3, Part 5, MCA.

4. Public notice of the filing of the application and opportunity for a public hearing was published as a legal notice in the following newspapers: The November 18, 1981, editions of the Hardin Herald, Miles City Star, Plentywood Herald and Sidney Herald; the November 19, 1981, editions of the Fallon County Times, the Glasgow Courier, and The Ranger Review; and the November 19, 1981, edition of the Billings Gazette. The notice stated that If there were any protests to the application they were to be received by the Commission on or before December 9, 1981. No protests or requests for hearing have been received by the Commission.

5. The proceeds from the issuance and sale of the Preferred Stock A will be used to partially repay short-term borrowings incurred by Applicant to finance applicant's 1981 utility capital requirements.

6. The transactions proposed by Applicant (1) are consistent with the public interest; (2) are for a purpose or purposes permitted under the laws of the State of Montana; and (3) will not result in a situation in which the aggregate amount of the securities outstanding and proposed herein to be outstanding will exceed the fair value of the properties and business of the Applicant.

CONCLUSIONS OF LAW

That the application herein complies with Sections 69-3-501 through 69-3-507, MCA, inclusive, and the other laws of the State of Montana as aforesaid and the same should be granted as herein⁴after ordered.

ORDER

NOW THEREFORE, at a session of the Public Service Commission of the State Montana, held in its offices at 1227 Eleventh Avenue, Helena, Montana, on December 14, 1981, there regularly came before the Commission for final action the application for authority to issue and sell not to exceed 150,000 shares of a new series of its Preferred Stock A without par value, and assigned Docket No. 81.11.99, and the Commission's being fully advised in the premises;

IT IS HEREBY ORDERED that the application of Montana-Dakota Utilities Co. for

authority to issue and sell not to exceed 150,000 shares of a new series of its Preferred Stock A without par value is HEREBY APPROVED and authority is granted.

Neither the issuance and sale of the stock, nor any other act or deed done or performed in connection therewith shall be construed to obligate the State of Montana to pay or guarantee in any manner whatsoever any security authorized, issued, or guaranteed hereunder.

The issuance of this Order does not constitute acceptance of the Applicant's exhibits or other material accompanying the application for any purpose other than the issuance of this Default Order No. 4863.

DONE AT OPEN SESSION at Helena, Montana, on the 14th day of December. 1981,
by a 5 - 0 Vote .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

GORDON E. BOLLINGER, Chairman

JOHN B. DRISCOLL, Commissioner

HOWARD L. ELLIS, Commissioner

CLYDE JARVIS, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Madeline L. Cottrill

Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38.2.4806 ARM.